

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEANNA L. FREITAG,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

NO. C00-2278 TEH

ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR
INTERIM ATTORNEYS' FEES
AND ORDER SETTING
BRIEFING SCHEDULES

As the Court orally ordered at the April 16, 2007 hearing and case management conference, Plaintiff's motion for interim attorneys' fees and costs is GRANTED IN PART as to Plaintiff's entitlement to such an award. Absent any agreement by the parties as to an appropriate amount of the interim award, the Court will determine a reasonable amount after reviewing the parties' supplemental papers, to be filed as follows: Plaintiff's supplemental declarations due on or before **April 30, 2007**; Defendants' response due on or before **May 14, 2007**; and Plaintiff's reply due on or before **May 21, 2007**. This matter will be deemed submitted on the papers unless otherwise ordered.

The Court also set the following schedule for briefing on the issues remanded by the Ninth Circuit on Plaintiff's First Amendment retaliation claims: Plaintiff's moving papers due on or before **April 23, 2007**; Defendants' opposition due on or before **May 7, 2007**; and Plaintiff's reply due on or before **May 14, 2007**. Unless otherwise ordered, the hearing on the remanded issues shall be held on **Monday, June 4, 2007, at 10:00 AM**.

Finally, the Court clarifies that it is willing to refer this matter – on either the interim attorneys' fees, the remanded issues, or both – for a further settlement conference if both

1 parties can agree that a further settlement conference might be productive. The parties may
2 ask for a referral back to Magistrate Judge Maria-Elena James, or they may jointly request a
3 referral to any other magistrate judge in San Francisco.

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5 **IT IS SO ORDERED.**

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7 Dated: 04/17/07



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT